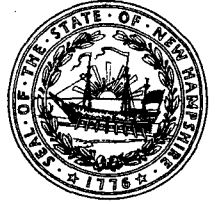




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET #SC2005-003**

June 27, 2005

Drew Sunstein
14 Tidewater Farms Road
Greenland, NH 03840

**RE: Wetlands Bureau Complaint File #2005-1410, Sunstein, 14 Tidewater Farms Road,
Greenland Tax Map R-13 / Lot 36.**

Dear Mr. Sunstein:

As you are aware, on May 26, 2005 personnel from the Department of Environmental Services ("DES") along with Bob Cushman, Greenland Building Inspector, conducted an inspection of the above referenced property, more specifically referenced on the Town of Greenland Tax Map R-13 as Lot 36 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A, the New Hampshire Wetlands Law.

It has been determined that dredging and filling of approximately 2,000 sq. ft. of freshwater wetlands took place on the property without a permit from the DES Wetlands Bureau. This work included dredging a freshwater wetland to create a drainage ditch adjacent to the driveway and filling freshwater wetlands with woodchips and disturbance of the soil upslope of the existing pond.

DES requests that you take the following action:

1. Apply after-the-fact for a permit to retain the dredging of the drainage ditch adjacent to the driveway. However, the portion of the drainage ditch area adjacent to the driveway and Tidewater Farms Road was dredged at a depth that is not approvable in accordance with RSA 482-A and DES Administrative Rules Wt 100-800. This area shall be regraded to more shallow contours and seeded with a wetland seed mix. A Standard Dredge and Fill Application is enclosed for your use.
2. Generate a plan which depicts existing conditions showing the topography of the property, and quantifies by field survey the current extent of disturbance in jurisdictional wetlands, and a restoration plan, as described below.
3. Submit both the existing conditions plan, and a restoration plan no later than July 27, 2005 for review and approval including:
 - a. A plan with dimensions for the removal of the unpermitted fill (i.e. wood chips) in wetlands as quantified in #2 above and regrading the disturbed areas (i.e. areas upslope of the existing pond and wetland area described in #1 above) to original contours;
 - b. Planting plan (wetland seed mix) for the stabilization of the removal areas;

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c. Equipment and methods of erosion control (silt fence, stone check dams, hay mulch, etc.);

d. Construction sequence and timetable for accomplishing remediation no later than September 1, 2005.

4. Execute the restoration plan immediately upon receipt of the restoration plan approval from the DES Wetlands Bureau.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging or filling in and adjacent to wetlands or surface waters, an individual is required to obtain a permit from the Wetlands Bureau. If work is done without a permit from the Wetlands Bureau, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

David Price, Compliance Investigator
Wetlands Bureau
Department of Environmental Services
360 Corporate Drive
Suite 2
Portsmouth, NH 03801

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 559-1514 or by e-mail at dprice@des.state.nh.us.

Sincerely,



Frank D. Richardson, Ph.D.
Senior Wetlands Inspector
Coastal Region Supervisor
DES Wetlands Bureau

FDR/dap

CERTIFIED MAIL #7002 2410 0001 6279 1185

cc: Rene Pelletier, Manager, Land Resources Management Program
DES Legal Unit
Bob Cushman, Greenland Building Inspector
Greenland Conservation Commission